

SYDNEY NORTH PLANNING PANEL

SNPP No	2017SNH063
DA Number	DA-2017/257
Local Government Area	Willoughby City Council
Proposed Development	Upgrade of existing facilities at Willoughby Public School including construction of mixed function buildings and associated works.
Street Address	151-161 Mowbray Road, WILLOUGHBY NSW
Applicant/Owner	NSW Department of Education and Communities C/-Mace
Number of Submissions	121
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) of the proposal is greater than \$5 million and is a Crown development.
List of All Relevant s79C(1)(a) Matters	WLEP 2012; Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy-Remediation of Land, State Environmental Planning Policy-(Education Establishments and Childcare Facilities) 2017, WDCP; S94A Plan.
List all documents submitted with this report for the panel's consideration	A3 Plans
Recommendation	Approval
Report by	John Mckee - Development Planner (Contract)
Report date	4 December 2017

SNPP NO: 2017SNH063
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 151-161 Mowbray Road, WILLOUGHBY NSW.
DA NO: DA-2017/257
ATTACHMENTS: 1. PLANS AND ELEVATIONS
DATE: 4 DECEMBER-2017

RECOMMENDATION: APPROVAL
LOCATION: 151-161 MOWBRAY ROAD, WILLOUGHBY SW
OWNER: NSW DEPARTMENT OF EDUCATION AND COMMUNITIES
APPLICANT: NSW DEPARTMENT OF EDUCATION AND COMMUNITIES C/-MACE
PROPOSAL: UPGRADE OF EXISTING FACILITIES AT WILLOUGHBY PUBLIC SCHOOL INCLUDING CONSTRUCTION OF MIXED FUNCTION BUILDINGS AND ASSOCIATED WORKS
DATE OF LODGEMENT: 10-JULY-2017
REPORTING OFFICER: JOHN MCKEE

DESCRIPTION OF PROPOSAL

The proposal seeks consent to upgrade existing school facilities at Willoughby Public School, including:

- *A new 3 storey mixed function building for new learning and ancillary spaces to increase the capacity of the school by 120 students to 1200 students*
- *Construction of new communal hall*
- *Construction of covered outdoor learning area (COLA)*
- *Construction of new single storey building catering for canteen and amenities*
- *Refurbishment of existing buildings and demolition of existing school buildings*
- *Removal of existing demountable school classrooms*
- *Associated landscaping works and tree removal*

The applicant has advised that the upgrading of the school facilities is proposed to generate an additional 120 students and 6 staff. In total the school will accommodate up to 1200 students and 83 staff members.

The application is reported to Sydney North Planning Panel (SNPP) for determination as it meets the relevant criteria to be considered regional development under Schedule 4A of the *Environment Planning and Assessment Act 1979*, more specifically, it is a *development with a Capital Investment Value (CIV) over \$5 million lodged by or on behalf of the Crown (State of NSW)*.

Three (3) storey mixed function building

A new mixed function building is proposed along Oakville Road adjacent to the existing heritage building. (Building D) The proposed three (3) storey building is located on the north eastern portion of the site with frontage to Oakville Road. It is setback 3 metres from Oakville Road, in the same alignment as Building D. The building is rectangular shaped and has a maximum height of 12.8 metres. The proposed building encompasses administrative functions, home bases, amenities, library, staff rooms and outdoor learning spaces.

It is noted that the upper 2 levels are recessed 1.5 metres back from the ground floor level to assist in building articulation. The upper levels are accessed via covered external staircases, which link the main structure with the communal hall and additional annex home bases and existing home base building D. Two main structures form the building and are separated via corridors through the middle of the structure. The upper levels are accessed via covered external staircases, which also link the main structure with the smaller communal hall and existing home base building.

The proposed 3 storey mixed function building and hall are proposed to be constructed of combination brickwork and blockwork materials to the base of the new building with rendered external wall cladding panels to the upper floors of the façade which are finished in muted earth toned orange, red and white tones.

Communal Hall

A new communal hall is proposed to be constructed to the west of the mixed function building and will be connected via covered walkways. The building has a double height void, with the overall structure being 7m in height. The roof of the building will be utilised as an outdoor learning space, covered by a future shade structure and connected to the main building by walkways. The hall is proposed to be constructed of similar materials and colour selections as the 3 storey mixed function building.

Covered Outdoor Learning Area (COLA)

A new COLA is proposed consisting of a new multi-purpose court and roof structure for shade to the southern rear of the communal hall. The multi-purpose court will be utilised for recreation and outdoor learning.

Canteen and Amenities

A new single level canteen and amenities building is proposed to be constructed to the south of the proposed multi purpose courts. The canteen consists of the canteen, canteen office, servery, sports store and storage along with separated boys and girls amenities. The block consists of separate boys and girls amenities as well as one separate disabled toilet that will front the open space.

Demolition and refurbishment of existing buildings

Minor internal refurbishment works are proposed on the ground floor of building B which is located to the south of Building C (*1925 Public School Building*). The refurbishment includes the creation of two (2) home bases and 2 special program rooms. The internal works to the building will occur on the ground floor and provide additional home bases to allow for greater teaching capacity. Minor cosmetic works are also proposed to buildings C and D which are the 2 main heritage buildings on site.

Demolition

The proposal involves demolition of five (5) existing buildings to make way for the new development. The buildings to be demolished are non-significant school buildings on the site apart from the demolition of part of the heritage building (Building D), (*1935 Infant School building*) being the single storey middle wing of the heritage building located on the corner of Oakville Road and Keary Street.

Tree Removal

The proposal necessitates removal of twenty seven (27) trees and two groups of smaller vegetation from the site. An Arboricultural Impact Assessment Report June 2017 prepared by Priority Tree Services has been provided with the application.

Landscaping

The existing outdoor grassed area will be expanded and it is proposed to retain the existing playground equipment and increase the amount of open play area provided. New gardens and ground cover are to be planted along the Oakville Road frontage of Building D, facilitating the parent waiting area and increasing visual amenity. The new COLA area, described as Covered Games Court, and internal hardstand areas will be paved as Standard path. Removal of building F will be replaced with asphalt in keeping with original surrounding courts.

Additional landscaping is proposed to the Oakville Road frontage of the new school buildings comprising retention of three existing mature trees located within the grass roadway verge along with provision of shrubs, grasses and other ground covers. Deletion of the originally proposed vehicle set-down area in Oakville Road also ensures the retention of two other Eucalypt trees in the streetscape.

Car parking

The proposal necessitates the removal of approximately nineteen (19) formal spaces from the site that are currently contained in an existing carpark with access to Oakville Road. The applicant has advised that there will be parking provision for approximately 20 informal spaces from Medway Lane when demountable buildings are removed.

It is noted that the proposal originally involved provision of a new set-down area in Oakville Road. This has subsequently been deleted following advice from Council Traffic Engineers and objections received during the notification period.

Outdoor Play Space

The applicant has advised that the proposed siting, scale and height of the new buildings, especially that fronting Oakville Road are a careful balance between providing sufficient accommodation for both students and staff in association with maximising play space for the students. The current benchmarking standards for new Department of Education (DoE) schools in NSW are known as the *Education Facilities Standards and Guidelines (EFSG)*. These are intended to assist those responsible for the management, planning, design, construction and maintenance of new and refurbished school facilities and assist in the provision of tomorrow's education facilities.

The EFSG reflects a new way of providing a flexible, future focused learning environment which responds to the needs of the students and their teachers. This guideline includes the target for 10sqm of play space per student. Currently Willoughby Public School does not have enough play space. A key aspect of the DoE design brief was to maximise play space for the students to achieve this target.



Figure 2-View facing west on the intersection of Oakville Road and Keary Street



Figure 3-View of proposed 3 storey building and communal hall fronting Oakville Road



Figure 4-Northern elevation fronting Oakville Road

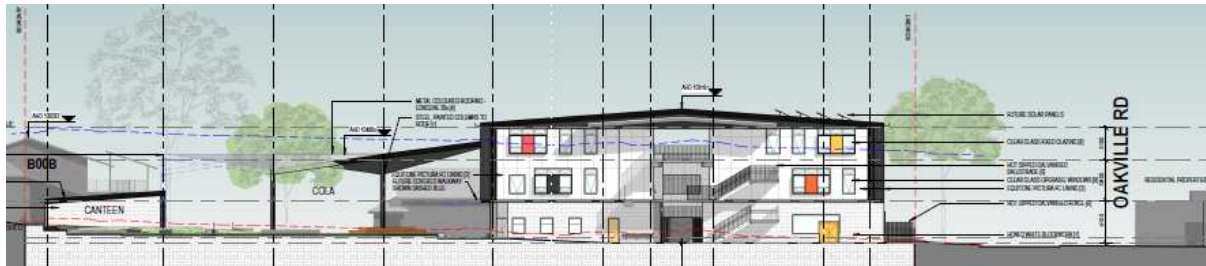


Figure 5-East Elevation

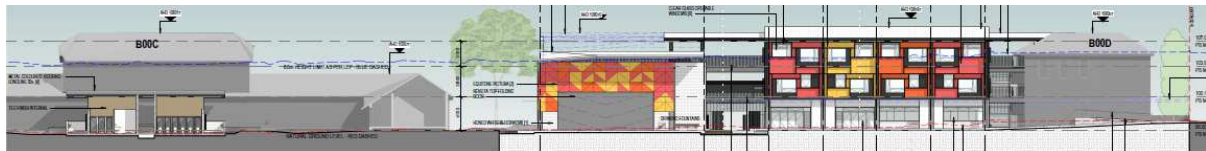


Figure 6-South Elevation

NEIGHBOUR NOTIFICATION

The application was on notification for public comment from 19 July to 9 August 2017. A total of 121 submissions were received, comprising 117 supportive submissions, 2 objections and 2 submissions which welcomed the proposal but raised concerns regarding car parking provision.

The key issue raised in the objection submissions relate to inadequate car parking provision and removal of existing parking spaces, with a request that basement car parking be provided. Concerns were also raised in respect to the set-down arrangement in Oakville Road which has subsequently been deleted from the proposal. One (1) submission received from an adjacent landowner in Oakville Road raised amenity impact concerns relating to visual privacy, overshadowing and views and considered the proposal to be out of character with the low density residential character of the area.

The supportive submissions received primarily advised of current overcrowding concerns and the current inadequate facilities servicing children which need to be improved.

EXISTING BUILDING, SITE CONTEXT AND RELEVANT HISTORY

The site is located at 151-161 Mowbray Road, Willoughby. The site comprises 13 parcels of land, including lot 2 DP 74980, and lots 1-12, Section F in DP 2631. The site is Crown land, owned by the Department of Education and Communities (DEC). The site is zoned R2 Low Density Residential under *Willoughby LEP 2012*. Refer figure 3.

The site is an irregular shape that has an approximate area of 1.95ha with frontages to Oakville Road, Keary Street and Medway Lane, Willoughby. The site is occupied by the existing Willoughby Public School. It is surrounded by single free standing dwellings to the north and east. To the west, the site adjoins R3 Medium Density zoned land fronting Penshurst Street that currently contains low density housing. To the south, the site directly adjoins Willoughby Girls High School.

The subject site contains a local heritage item (I213) identified in Schedule 5 of *WLEP 2012*. The significant heritage buildings on the site are the 1925 Public School (Building C) fronting Oakville Road and 1935 Infant School (building D) located on the corner of Oakville Road and Keary Street.

The primary pedestrian access to the school is obtained from Oakville Road and a secondary pedestrian access is available from Keary Street. Access is also available from Medway Lane via the current staff car park driveway.

The majority of staff parking servicing the school is provided in the existing car park fronting Oakville Road adjoining the existing Infant School building on the corner of Keary Street, comprising 19 car parking spaces. There is also a small unmarked area of mixed surfaces off Medway Lane signposted for staff parking, which although not resembling a formal car park accommodates approximately 6-8 cars.



Figure 7-Aerial view of site



Photograph 1-View of existing staff car parking area and demountable buildings fronting Oakville Road



Photo 2-View of existing 1925 Public School Building (Building C) fronting Oakville Road



Photograph 3-View of adjacent development in Oakville Road

Background

- A pre-lodgement meeting took place on 29 March 2017. The proposal presented at that time was similar to the one the subject of this DA. A summary of discussions is below:

“The scale of the proposed new mixed functions building is considered to be dominating when viewed from the existing streetscape, from the low density residential streetscape and from /towards the existing heritage items. In addition, the proposed hall building is located forward of the front building line of the heritage building (PSB00C) fronting Oakville Road and is likely to visually detract from this heritage building.

- *The visual dominance of the new buildings will be exacerbated by the removal of existing mature trees along the Oakville Road frontage/areas of the site.*

• In general, there is insufficient landscaping and setbacks between the proposed new buildings/structures and the existing heritage buildings to provide appropriate visual relief and transition between buildings.
• The proposed new buildings and structures for the public school will reduce existing car parking spaces onsite. The applicant has advised that no additional/replacement parking is proposed due to policy requirements of the Department of Education."

- The subject application was lodged by NSW Department of Education and Communities on 10 July 2017.
- A Briefing Meeting was conducted on 13 September 2017 with the Sydney North Planning Panel.
- A meeting was conducted with the applicant and consultants on 20 September 2017 to discuss a number of issues associated with the proposal. In particular Council staff recommended amendments to the materiality and colours of the buildings fronting Oakville Road to ensure that they were more in keeping with the surrounding heritage buildings, including:
 - More brickwork to the base of the new building, rather than rendered block-work.
 - Rendered panels to the upper floors of the façade
 - Use of softened colour selections

It was also recommended that the new three-storey building be setback 1.5m further from the primary street frontage on Oakville Road so as to allow the old Infant School located on the corner of Oakville Road and Keary Street to retain its prominence in the streetscape (rather than aligning with it) and to allow further landscape screening in front of the new building.

- Email correspondence dated 26 October 2017 was forwarded to the applicant confirming issues raised in meeting of 20 September. Additionally a request for additional information from Council's Development Engineer was incorporated into the email.
- Applicant submitted documentation with an amended street elevation plan and view analysis of the site to Council on 7 November 2017 in response to Council issues raised.

CONTROLS AND CLASSIFICATION

- i) **Willoughby LEP 2012:** Yes
 - a. **Heritage Item and Heritage Conservation Area (HCA):** Yes
 - b. **Zoning:** R2-Low Density Residential
 - i. **Height:** 8.5m
 - ii. **FSR:** 0.4:1

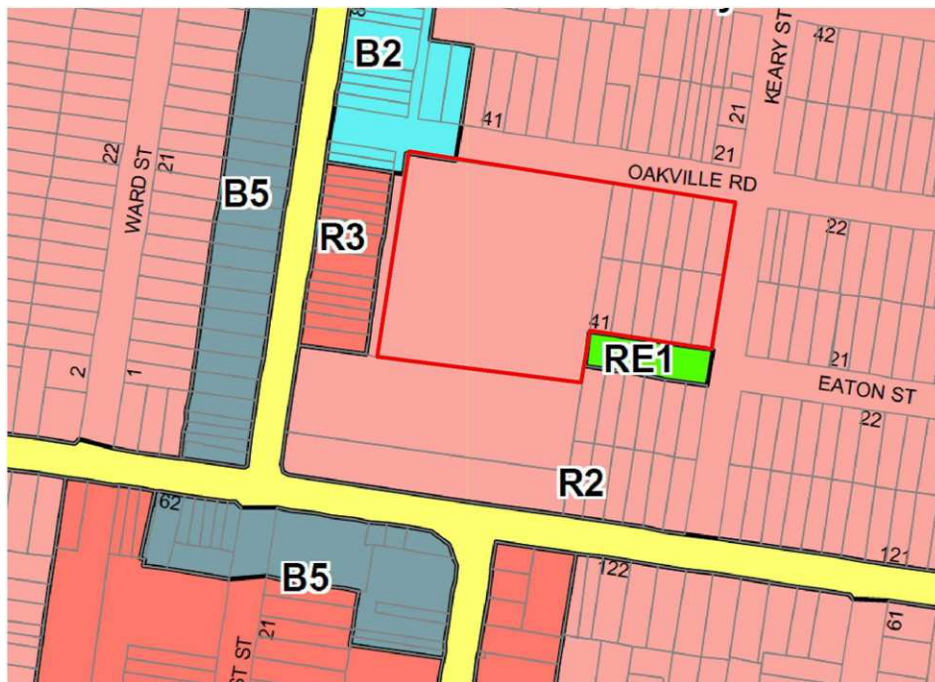


Figure 3-Landuse map

- ii) **Applicable DCP (SEPPs, REPs):** Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55), State Environmental Planning Policy-(Education Establishments and Childcare Facilities) 2017, WDCP; and S94A Plan.
- iii) **Developer's Contribution Plans:**
 - a. **S94A Developers Contributions:** 1% of development cost.

Compliance with Local Plans or Policies and Development Statistics Table

The site is zoned R2-Low Density Residential. Development for the purpose of an educational establishment is prohibited in the R2 zone under *Willoughby Local Environmental Plan 2012*. Clause 5.12 (1) of the *WLEP 2012* states that it does not restrict or prohibit the carrying out of any development, by or on behalf of a public authority, if the development is permitted by the *State Environmental Planning Policy (Infrastructure) 2007* (SEPP (Infrastructure) 2007). The proposed works are permitted with consent under *SEPP (Infrastructure) 2007*.

When assessed against the principal development standards, the new 3 storey building exceeds the maximum height of **8.5m** specified in Clause 4.3 of WLEP 2012.

	Proposed	Development Standards	Compliance with standards
Site Area	19,595m ²		
Floor Space Ratio	0.34:1	0.4:1	Yes
Height	3 storey mixed function building-12.8m	8.5m	No , 4.3m above (Clause 4.6)

A written exception pursuant to Clause 4.6 variation to the height controls - Clause 4.3 of the WLEP 2012 has been made by the applicant requesting variation to the development standards, which is supported subject to conditions. (See assessment section of report)

Educational facilities are permitted with consent under clause 28 of the *Infrastructure SEPP* and clause 35 of the *Educational Establishments and Childcare Facilities SEPP*.

REFERRALS

Heritage Architect

The application was referred to Council's Heritage Architect for comment who originally raised concerns with respect to the materiality and colour selections to the buildings fronting Oakville Road along with a request to setback the proposed 3 storey building a further 1.5 metres from Oakville Road.

Council's Heritage Architect advised that the new contemporary styled three-storey building has been provided with a setback from Oakville Road reflecting the existing setback along Building D, and generally matches its scale and height. The positioning of the new building does allow for a significant degree of separation with the historic 1925 Public School, allowing this building its historic setting and prominence given that the 1925 Public School Building C provides the traditional entrance to the site and its historic massing and form can remain relatively intact. The proposed demolition of the single storey western wing of Building D allows this placement of the new three-storey building closer to Building D, and maintaining a curtilage to Building C. The provision of new buildings will allow for the continued use of the site as an educational hub by accommodating increasing student numbers.

Council's Heritage Architect recommended that the new three-storey building be further setback from the primary street frontage on Oakville Road so as to allow the old Infant School to retain its prominence in the streetscape (rather than aligning with it) and to allow further landscape screening in front of the new building. A further setback of 1.5 metres would allow more planting, and enhance viewing corridors to both Building C and Building D. Further consideration of materiality and colour selections was also requested

Council's Heritage Architect subsequently reviewed an amended schedule of materials and colours that was submitted to Council and advised that the amended plans had adequately addressed the heritage issue by incorporating more "earthy" recessive colours together with a darker smaller scale blockwork proposed to the base of the new buildings in lieu of larger scaled white blockwork formally proposed.

Council's Heritage Architect also supported justification provided by the applicant with respect to retaining the existing front boundary alignment of the new primary school buildings to Oakville Road, and not setting the building back by 1.5 metres as requested to allow for further landscaping and viewing corridor to the old Infant School. In general the justification based on view corridor analysis (as shown in Appendix A of Report of 6 November 2017), the fact that 2 street trees can be retained due to deletion of the proposed vehicle set down area, and that the Oakville Road façade is currently setback 1.5 metres above ground level along Oakville Road, is accepted.

Traffic Engineer

The application was referred to Council's Traffic Engineer for comment who raised a number of concerns with respect to the removal of car parking spaces and the general traffic management arrangements as summarised below:

- The removal of parking spaces from the site and the Department of Education's Policy of not replacing car parking spaces is not supported.
- It is noted that the loss of 30 spaces is based on the application of a NSW Government Department of Education policy. This will leave an on-site provision of

around 45 spaces across both schools. (Willoughby Public School and Willoughby Girls High School)

- The schools are well served by pedestrian facilities along the perimeter roads and intersections and the increase in student numbers should not result in the need for new or additional facilities. The pedestrian and traffic management of Medway Lane and its intersection with Oakville Road may need to be reviewed depending upon the demands generated for both users in Medway Lane.
- The original proposed set-down area in Oakville Road raised safety and traffic congestion issues and its removal is supported.
- The roll out of Council's Parking Strategy via the Precinct Action Plans may result in less on-street parking availability to reflect the Council's objectives for the provision and use of on-street parking thereby reducing local resident concerns.

It is recommended that the following conditions be imposed to the satisfaction of the Local Traffic Committee and Council and at no cost to Council:

- Implementation of a shared zone in Medway Lane between Oakville Road and the end of the lane (at the entry and exit driveway to the school grounds) to maximise safety of school related people using the lane (Purpose: road safety).
- Implementation of a pedestrian footpath widening with either a barrier or seat in Oakville Road, south side, west of Medway Lane to support increased separation between pedestrians and vehicles egressing Medway Lane (Council has developed a concept design of these measures). (Purpose: road safety).
- Development, implementation and on-going maintenance of a Transport Management Access Plan to support the safe and efficient operation of traffic and transport including parking, pedestrians, cyclists, cars and buses that are used by patrons of the schools and all its related traffic and transport infrastructure and services. (Purpose: Traffic and transport access, efficiency and amenity and road safety).

Development Engineer

The application was referred to Council's Infrastructure Services Division for comments. Council's Development Engineer originally requested additional information and also met with the applicant to discuss the request for additional information required. This information had not been provided at the time of preparing this report. Council's Development Engineer has provided draft conditions of consent.

Council's Environmental Certification Officer

The application was referred to Council's Environmental Health Branch who advised of no objections subject to conditions

Council's Area Building Surveyor advised that the proposal is acceptable subject to conditions.

Council's Landscape Officer had no objection to the proposal and has recommended a number of standard conditions.

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation- Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	A total of 121 submissions were received, comprising 117 supportive submissions, 2 objection submission and 2 submissions which welcomed the proposal but raised concerns regarding car parking provision.	

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(e)	The public interest	
	<ul style="list-style-type: none">Federal, State and Local Government interests and Community interests	✓

ASSESSMENT

Permissibility and the Willoughby Local Environmental Plan 2012 (WLEP 2012)

The subject site is zoned R2 Low Density Residential under the provisions of WLEP 2012. Development for the purpose of an educational establishment is not listed as permitted in the R2 zone. However Clause 5.12 of the WLEP 2012 states:

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.*
- (2) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.*

In this respect, **Clause 28** of the *State Environmental Planning Policy (Infrastructure) 2007* reads:

28 Development permitted with consent

- (2) *Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
 - (a) *development for the purpose of educational establishments—on land on which there is an existing educational establishment,*

Having regard to the clauses above, the proposed development on site for the purpose of an educational establishment is permitted with consent.

Noting that development standards in R2 Low Density Residential zone are intended for residential developments, when assessed against the principal development standards in the R2 zones, the proposal complies with the Floor Space Ratio (FSR) controls of Clause 4.4 of the WLEP 2012. The FSR of 0.34:1 is significantly below the maximum permissible FSR for the site of 0.4:1. However the proposed buildings do not comply with the maximum height control of 8.5 metres.

Clause 4.6 Exception to Development Standard

Clause 4.6 of WLEP 2012 provides an appropriate degree of flexibility in applying development standards to particular proposals and enables Council to grant consent to a development that exceeds a development standard within the environmental plan.

A written exception pursuant to Clause 4.6 has been made requesting a variation to Clause 4.3-Height of buildings.

Extent of Variation

Clause 4.3(2) of the WLEP 2012 prescribes the maximum building height for the land as shown on the Height of Building Map. The proposed 3 storey mixed use building exceeds the 8.5m height standard prescribed in Clause 4.3 by 4.3 metres. (50.5%)

Applicant's reasons in support of the variation

Clause 4.6 (3) Exceptions to development standards of WLEP 2012 reads:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant addressed in writing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard, arguing that:

- The proposed development fully complies with the objectives of the R2 Low Density Residential zone.
- The proposed development provides facilities to meet the day to day educational needs of residents. Existing residential amenity will be retained for residential properties nearby.
- Provides social infrastructure that reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport.
- Enhance the education experience for students and staff and provides facilities to improve the quality of life of the local community.
- Achieves a high quality urban form, design excellence and reflects the character of the area.
- Conserve the environmental heritage of the Willoughby City Council, by retaining the existing heritage listed buildings.
- The proposed development complies with the objectives of clause 4.3. In particular, the proposed development will be in keeping with the bulk and scale of the surrounding buildings and streetscape; will not adversely impact on adjoining or nearby properties; will be of a high visual quality as a result of a high standard of design with no detrimental impact to the existing views over the subject site.

The proposed development is for the purpose of improving educational facilities at an existing educational establishment within the Willoughby area. The development therefore represents an orderly development of the land in the public interest. Relevant objectives for development within the R2 Low Density Residential zone and the relevant objectives of the Height of Buildings development standards are addressed as follows:

Objectives of the Zoning

The relevant objectives for development within the R2 Low Density Residential zone are listed under the Land Use Table of WLEP 2012, and the reasonableness or necessity for compliance is assessed below:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comments: The proposed works relate to an existing school and provide educational facilities to meet the day-to-day needs of the suburb.

- *To accommodate development that is compatible with the scale and character of the surrounding residential development.*

Comments: It is noted that the proposed three (3) storey building is located in a low density residential context with frontage to Oakville Road and the predominant building form consists of single and double storey dwellings. However when considered in the context of the school site, it is noted that the proposed 3 storey building which directly adjoins an existing heritage building on the corner of Oakville Road and Keary Street presents with a similar height and scale and although of modern contemporary form it is not out of character with established school buildings on site fronting Oakville Road. On this basis it is considered that the contemporary buildings fronting Oakville Road are in keeping with the desired character of the site for educational purposes.

- *To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

Comments: The buildings are of modern contemporary design and have been located on the site in such a way to create additional open play space and play area for students. The buildings enable a high degree of natural solar penetration to the north to ensure optimal solar access. The proposal is not considered to result in unreasonable loss of privacy to the front yards of the Oakville Road residences. Resulting overlooking from the proposed new homebases is minimal noting the proposed use of teaching space, the separation between the proposed building and the dwellings across the road, the existing landscaping from the street trees and the lack of available view into private open spaces of the adjacent dwellings. The proposal does not disrupt existing views obtained from surrounding properties or from the public domain.

The development provides a sustainable solution to increasing demand in public educational facilities.

Objectives of the Height Standard

The objectives of the Height of Buildings development standard are listed under Clause 4.3(1) of WLEP2012, and the reasonableness or necessity for compliance with the development standard has been assessed against each of its objectives below:

- (a) *to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,*

Comments: Whilst the scale of the proposed three storey building may be inconsistent with the surrounding one and two storey single dwellings that predominantly characterise the northern side of Oakville Road streetscape, the bulk and scale of the proposed 3 storey building is in keeping with the existing school buildings fronting the southern side of Oakville Road, despite the contemporary appearance.

- (b) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

Comments:

The proposal is not considered to result in unreasonable loss of privacy to the front yards of the Oakville Road residences. Resulting overlooking from the proposed new homebases is minimal noting the proposed use of teaching space, the separation between the proposed

building and the dwellings across the road, the existing landscaping from the street trees and the lack of available view into private open spaces of the adjacent dwellings.

The Oakville Road properties located adjacent to the proposed 3 storey building have views of the school and do not presently benefit from any views to the south.

Taking into account the above, the design of the development has appropriate regard to residents' views, privacy and solar access.

(c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,

Comments: The proposal is contemporary with visual qualities that integrate well into the context of the school. The non-compliance with height controls do not compromise the visual quality of the development when viewed from the surrounding places.

(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,

Comments: The proposal does not disrupt existing views obtained from surrounding properties or from the public domain.

(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,

Comments: The development comfortably complies with the overall maximum FSR applying to the site. The proposal retains mature trees and incorporates landscape elements. Subject to conditions, the development takes full advantage of the re-development potential of the school grounds.

(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,

Comments: The increased height allows for more play area and landscaped open space on the site, for the retention of the existing significant trees, and for new landscaping. Visually the proposed building will provide a contemporary image for public education, complementing the desired school character of the school.

Grounds for Variation

Noting that the development for the purpose of an educational establishment is prohibited in the R2 zone and the proposed works are permitted with consent under SEPP (Infrastructure) 2007, the relevance of the standards of the zone is significantly diminished.

Notwithstanding, sufficient environmental planning grounds exist to vary the height development standard as specified in Clause 4.3 of the WLEP 2012, as described below:

- The proposed new school building is in keeping with the bulk and scale of surrounding buildings, the streetscape and desired future character of the locality subject to conditions;
- The proposal will not result in unacceptable detrimental amenity impacts to neighbouring properties;
- The form of the development consolidates the footprint of the buildings and thereby maximises the school courtyard and play area; and

- The proposed works relate to an existing school and will provide the public educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the surrounding local area.

Recommendations for the Clause 4.6 Exception

Clause 4.6 Exceptions to development standards of WLEP 2012 has the following objectives:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal is in the public interest as it re-develops an overcrowded school with limited capacity to accommodate additional classrooms into a contemporary design that responds to present and future needs of the local community, while taking into account the environmental, social, economic and planning context. In this particular case, the variation to the development standard satisfies the relevant objectives of the height control and of the zone. Pursuant to Subclause (2) in Clause 4.6 of WLEP 2012, consent may be granted even though the development contravenes the development standards imposed by the environmental planning instrument.

State Environmental Planning Policy (Infrastructure) 2007

School Facilities Standards

The SEPP provides that before a DA for a school can be determined, the consent authority must take into consideration all relevant standards in the School Facilities Standards. Clause 32 of the SEPP (Infrastructure) 2007 states the following:

(2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):

- *School Facilities Standards-Landscape Standard-Version 22 (March 2002),*
- *Schools Facilities Standards-Design Standard (Version 1/09/2006),*
- *Schools Facilities Standards-Specification Standard (Version 01/11/2008).*

(3) If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.

Noting that the School Facilities Standards listed in the SEPP (Infrastructure) 2007 are no longer current, the applicant states that the school facilities have been designed in accordance with the current versions of these standards as updated in the Educational Facilities and Schools Guidelines (EFSG).

The EFSG set out the minimum standards and design criteria for all new Department of Education (DoE) projects. It is recommended that a condition of development consent be imposed in this regard.

(DRAFT) State Environmental Planning Policy – (Education Establishments and Childcare Facilities) 2017

The proposal is consistent with Part 4 of the *Education Establishments and Childcare SEPP* which requires consideration of specific development controls relating to schools. It is noted that the application proposes an increase of 120 students and the application was required to be forwarded to the Roads and Maritime Services for comment under Part 7 of the SEPP given the increase in students is more than 50. A response from the Roads and Maritime Service had not been received at the time of preparing the report however any submission received will be forwarded to the SNPP for consideration prior to determination.

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) provides controls and guidelines for the remediation of contaminated land. Clause 7 of the SEPP specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and if the land is contaminated, it is satisfied that the land is/ can be suitable for the proposed development.

A Preliminary Site Investigation Report prepared by Greencap dated 30 June 2017 has been provided by the Applicant. This report recommends that further investigations are required to ensure the site is appropriate for the proposed development. Accordingly a draft condition of consent has been imposed requiring preparation of a Stage 2 Contamination Report.

Willoughby Development Control Plan (WDCP)

Part C - General Development Guidelines		
Control	Comment	Compliance
C.1 Demolition	A condition has been imposed requiring all demolition to be undertaken in accordance with the relevant Australian Standards, including dust controls and health and safety provisions.	Yes
C.3 Sustainable Development	Sustainable development principles have been considered in the development design ensuring that the aims of the DCP are met which include passive design measures to maximise the sun's energy, building orientation and means to reduce energy consumption.	Yes

Part C - General Development Guidelines		
Control	Comment	Compliance
C.4 Transport Requirements for Development	<p>Council's Traffic Engineer retains concerns in relation to the proposed removal of parking spaces and the Department of Education's Policy of not replacing car parking which is being removed. The policy states: <i>"A school is not obliged to provide parking on site to anyone at any time"</i>.</p> <p>The proposal does not provide the required car parking provisions under Part C.4.2 Parking which requires: -1 space for each 2 staff + -1 space/10 seats in assembly hall</p> <p>On the basis of 83 proposed staff, 41.5 spaces are required. The applicant, despite a request, has not provided details of the number of seats provided in the assembly hall to accurately calculate the parking requirements under Part C. 4.2. In any case a variation is necessitated.</p> <p>The school presently has provision for 29 existing parking spaces. In replacement twenty (20) informal spaces are proposed to be created from Medway lane where demountable buildings are proposed to be removed. The Traffic Engineering Report prepared by Bitzios Consulting advises that across both schools there will be a reduction of approximately 30 formal and informal spaces.</p> <p>The applicant has advised of the school's intentions to provide future additional basement car parking under the sports oval located fronting Keary Street. No Development Application has been submitted to Council but a Traffic Impact Assessment Report has been forwarded to Council for a preliminary assessment.</p> <p>On the basis of potential future on-site car parking and the Department of Education's Policy of not replacing car parking and proximity of public transport a variation is supported. Public transport ensures that there is reasonable access to the school and the proposal provides for an acceptable scheme by choosing sustainable transportation options that take into account various social, economic and environmental aspects.</p>	Deficiency in Car parking provision

Part C - General Development Guidelines		
Control	Comment	Compliance
C.5 Water Management	WSUD principles have been incorporated into the development as per the DCP requirements. Council's Development Engineer has issued draft conditions of consent. No adverse impacts upon local waterways and ecosystems.	Yes
C.6 Access, Mobility and Adaptability	The proposal is supported by an Access issues report prepared by Morris-Goding Accessibility Consulting identifying key areas for improvement to be provided within the new development. Council's Certification Officer has no objection subject to conditions.	Yes
C.8 Waste Management	Draft conditions of consent recommended ensuring Waste Management is undertaken in accordance with Council requirements.	Yes
C.9 Preservation of Trees or Vegetation	This proposal seeks approval to remove twenty seven (27) trees and two groups of smaller vegetation. An Arboriculture Impact Assessment Report has been prepared by Priority Tree Services which has been reviewed by Council's Landscape Officer and found to be satisfactory subject to draft conditions of consent.	Yes
C.11 Safety by Design	The principles of Safer by Design have been incorporated into the proposed development.	Yes
C.12 Fencing	Metal security fencing is proposed along the boundaries of the school to Oakville Road Fencing associated with the proposal meets safety by design principles and be appropriate for an educational establishment.	Yes
C.13 Contaminated Land	As discussed under SEPP 55 considerations, a Preliminary Site Investigation Report prepared by Greencap dated 30 June 2017 has been provided by the applicant. The report recommends that further investigations are required to ensure the site is appropriate for the proposed development. Accordingly a draft condition of consent has been recommended requiring preparation of a Stage 2 Contamination Report.	
C.14 Development near Railway Corridors or Busy Roads	The development will not have any adverse impact on main roads or other key transport infrastructure.	Yes
Part H - Heritage Items and Conservation Areas		

Part C - General Development Guidelines		
Control	Comment	Compliance
H.1 General & H 2 General Conservation Controls	<p>The site is identified as a local listed heritage item under WLEP 2012. (I213) Council's Heritage Architect has reviewed the proposal and although did originally raise issues with the material colouring scheme that was originally submitted with the application, is now supportive of the amended muted colour selection with incorporation of brickwork on the lower ground level.</p> <p>No objection on the basis of separation to existing heritage buildings on site and the revised selection of materials and colours which do not compete with the heritage buildings on site.</p>	Yes

Neighbour Notification Issues:

The application was notified in accordance with Part B.4 of the Willoughby Development Control Plan.

The application was on notification for public comment from 19 July to 9 August 2017. A total of 121 submissions were received, comprising 117 supportive submissions, 2 objections and 2 submissions which welcomed the proposal but raised concerns regarding inadequate car parking provision as summarised below:

Supportive

- The school is currently overcrowded and the development will ease congestion and improve facilities for children and teachers
- The development is critical to the future of the community, the next generation and on-going betterment of our society
- The development will improve accessibility issues
- The school is presently hazardous for children to play in causing regular accidents
- The school requires updating to modern standards in terms of classrooms, amenities and play areas
- The building design, colours and natural light that have been considered in the design are favourable and the open play spaces are very good

Objection Submissions

The following is a summary of objection issues raised in the submissions received:

Removal of Car parking and need for basement parking

Request a proactive parking solution within the schools to reduce stress upon neighbours facilities. This is the time to investigate alternatives such provision of basement parking, level of parking above existing carparks, or option of purchasing vacant land adjacent to Medway Lane for the provision of parking. Request Council support in requesting the State Government re-consider the merits of providing basement parking beneath their new facilities.

Response: Council officers do not support the Department of Education's policy in not replacing car parking. However the applicant has advised of the school's long term intentions

to provide future additional basement car parking under the sports field fronting Keary Street. No Development Application has been submitted to Council but a Traffic Impact Assessment Report has been forwarded to Council providing details of the potential future proposal.

Set-down area-Oakville Road

New set-down area at the eastern end of Oakville Road within the existing footpath is inappropriate from a safety perspective.

Comment: The applicant has agreed to remove the original proposed set-down area in Oakville Road following advice from Council's Traffic Engineer and consideration of public submissions received.

Parking Wardens

The proposed introduction of Parking Wardens as addressed in the Traffic assessment report is not the case given there are already parking wardens operating at the school.

Comment: The school already employs Traffic Wardens to control traffic management at set-down and pick-up times. Any additional Traffic Wardens will further assist traffic management operations at set-down and pick-up times.

Inadequate front building setback to Oakville Road

Intrusive to the residents on Oakville Road due to placing the new proposed high density buildings (50% above WLEP requirements) in the North Eastern corner of the school when its surrounds are low density residential housing. The positioning of the new proposed building right on the fence line (or even within 4m of fenceline) still adds to this imposing nature, diminishing privacy, casting heavy shadows and disrupting views on a very narrow residential street. The new building as previously mentioned doesn't at all match the aesthetics of the existing buildings within Willoughby Public School and the Oakville Road street landscape. Keary Street is double the width of Oakville Road with limited residential frontage. By positioning the new proposed building with its main entrance on Keary Street it would have minimal impact to residents and would be able to accommodate higher volume of traffic (see point 2 below).

Comment: The proposed 3 storey building is setback 3 metres from the front Oakville Road boundary which is in the same alignment as the existing heritage building located on the corner of Oakville Road and Keary Street. The applicant has submitted a view analysis of the proposed building siting to Oakville Road. This demonstrates that moving the new 3 storey building back by 1.5m from Oakville Road will not enhance the visual connection between 1925 Public School (Building C) fronting Oakville Road and 1935 Infant School (building D) or make the new building 'subordinate to' Building D. On this basis Council's Heritage Architect is satisfied with the proposed setback.

It is noteworthy that the proposed 3 storey building is recessed 1.5m above ground floor level to Oakville Road frontage which assists to articulate the building. The applicant has submitted that relocating the building back by 1.5m will significantly impact on the legibility of the Keary Street entry, reclaimed open space and games court.

Visual Privacy Impacts

A landowner of an Oakville Road residence raised concern regarding overlooking opportunities from the proposed building towards the frontage of their house.

Comment: In considering the visual privacy impacts upon adjacent landowners it is noted that the proposed use of the building is for staff rooms on the ground, with homebases

(classrooms) on the first and second levels and therefore the general use of the building will be during school hours. There is in excess of 20 metres separation to the closest Oakville Road front property boundary from the new three storey building. The dwellings opposite the proposed new building have hard stand car spaces, carports and front yards open to the public domain and no private open space fronting Oakville Road.

On this basis the proposal is not considered to result in unreasonable loss of privacy to the front yards of the Oakville Road residences. Resulting overlooking from the proposed new homebases is minimal noting the proposed use of teaching space, the separation between the proposed building and the dwellings across the road, the existing landscaping from the street trees and the lack of available view into private open spaces of the adjacent dwellings.

While there are no specific controls in the Willoughby Development Control Plan 2016 which relate to schools and privacy, the proposal is considered consistent with the general intent of the controls 'To minimise overlooking of living spaces in dwellings and private open spaces' at clause E1.8 which looks at non-residential uses and residential uses.

Overshadowing

Concern raised regarding overshadowing impacts upon adjacent residential properties located on the northern side of Oakville Road.

Comment: The proposed new 3 storey building is located to the south of residential properties fronting Oakville Road. WDCP controls require maintenance of *a minimum of 3 hours of solar access between 9am and 3pm on 22 June to living areas and principal open space*. The shadow diagrams submitted with the application demonstrate that the proposal achieves this level of solar access to living areas and recreational open space of the adjacent residential properties and in this regard the proposal is acceptable.

Tree Removal and aesthetic concerns

The proposed removal of trees to accommodate the new building will further reduce privacy for residents and the aesthetics of the street. As shown in image 5, there are already limited trees along Oakville Road and more landscaping and trees are required to provide privacy for residents. Refer to image 4 to see mature trees planted on Keary Street to minimise impact of current building. If the proposed building were to proceed, then at the very minimum similar mature trees would need to be planted in front of the proposed building on Oakville Road to provide privacy and a pleasant natural outlook for residents.

Comment: Extensive landscaping is proposed to the Oakville Road frontage of the new school buildings comprising retention of three existing mature trees located within the grass roadway verge. Also the existing trees in front of the new building on the school site are proposed to be retained along with provision of shrubs, grasses and other ground covers. Deletion of the originally proposed vehicle set down area also ensures the retention of two other Eucalypt trees in the streetscape. On this basis the aesthetics of Oakville Road is maintained.

Sustainability issues

The north facing position of the proposed new building is also damaging from an environmental/energy efficiency aspect. Being north facing the building will get extremely hot throughout the day, particularly Spring and Summer, and will require a large output of air-conditioning all day to maintain a comfortable environment for the students. If the building faced east on Keary Street this would reduce the heat and the air-conditioning requirements and overall provide a better outcome for the environment by reducing carbon emissions.

Comment: The northern orientation of the buildings fronting Oakville Road enables a high degree of natural solar penetration and optimal solar access and is generally consistent with sustainability principles.

Inconsistent with R2 Low Density Residential zone

The stated area is R2 low density zoning as per the Willoughby City Council local environmental plan and the suggested development of a new three storey building will be highly concentrated to the North Eastern zone of Willoughby Public School within close proximity to the residential homes located on Oakville Road, turning it into high density area which is against the environmental plan of the surrounding area.

Comment: The proposal has previously been considered with the objectives of the R2 Low Density Residential zone in this report. It is noted that the objectives are intended for residential developments and are to a certain extent irrelevant on the basis that the proposal is permissible under the Infrastructure SEPP.

Inconsistent with Objectives of Clause 4.3-Height of Buildings of WLEP 2012

The proposed height of the building is 12.8m, which contravenes the provisions of Willoughby Local Environmental Plan 2012 (WLEP) which is 8.5m. Willoughby Public School is stating that 8.5m is considered unreasonable as the proposal is consistent with existing buildings on the site. This is not the case as the proposed new buildings do not go with the aesthetic and height of the existing heritage buildings of the school.

Comment: Addressed under Clause 4.6 variation section of report.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*, relevant SEPPs, WLEP 2012, WDCP and other relevant codes and policies.

The proposal will result in a public benefit as it will provide for modern classrooms, communal hall and other associated works to accommodate an increasing number of school children while consolidating the learning spaces. Development for the purpose of an educational establishment is prohibited in the R2 zone under *Willoughby Local Environmental Plan 2012*. Clause 5.12 (1) of the WLEP 2012 states that it does not restrict or prohibit the carrying out of any development, by or on behalf of a public authority, if the development is permitted by the *State Environmental Planning Policy (Infrastructure) 2007*. The proposed works are permitted with consent under *SEPP (Infrastructure) 2007*. It is recommended that the proposal be approved subject to the attached conditions. It is noted that a variation is required to the Height control (Clause 4.3) under WLEP 2012 which has been addressed by the applicant and found to be justified for the following reasons:

- The proposed new school buildings are in keeping with the bulk and scale of surrounding buildings, the streetscape and desired future character of the locality;
- The proposal will not result in unacceptable detrimental amenity impacts to neighbouring properties;
- The form of the development consolidates the footprint of the buildings and thereby maximises the school courtyard and play area; and
- The proposed works relate to an existing school and will provide the public educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the surrounding local area.

DEVELOPMENT PLANNER'S RECOMMENDATION

THAT the Sydney North Planning Panel:

- 1. Supports the submitted Clause 4.6 variation to the *Height of buildings* development standard contained in Clause 4.4 of WLEP 2012 for DA-2017/257 (151-161 Mowbray Road, Willoughby) for the following reasons:**
 - The proposed new school building is in keeping with the bulk and scale of surrounding buildings, the streetscape and desired future character of the locality subject to conditions;
 - The proposal will not result in unacceptable detrimental amenity impacts to neighbouring properties;
 - The form of the development consolidates the footprint of the buildings and thereby maximising the school courtyard and play area; and
 - The proposed works relate to an existing school and will provide the public educational facilities to meet the day-to-day needs of an increasing number of school children that reside in the surrounding local area.
- 2. Approves the development and issues consent for DA-2017/257 for upgrading of existing facilities at Willoughby Public School, landscaping and associated works**

SCHEDULE 1

CONDITIONS OF CONSENT DEFERRED COMMENCEMENT

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.

(Reason: Ensure compliance)

A. Stormwater Management Plans

Submit engineering details prepared by a qualified and experienced civil engineer for the following:

- A stormwater drainage plan for the stormwater drainage system for the site prepared by a qualified and experienced civil engineer including roof drainage (scale 1:100) showing surface and invert levels. The plan shall include an on-site stormwater detention (OSD) system with supporting calculations. All roof and impervious areas from the areas under development and refurbishment shall be collected and conveyed to the proposed OSD system. Design details to be in accordance with Part C.5 of WDCP and (Technical Standard No.1- On-Site Detention) and specifications.
- Storage volume and the PSD calculated from Table 1 and Table 2 of Council's Technical Standard No.1 – On-Site Detention. It is noted that in accordance with Technical Standard No. 1, OSD is required to be provided to cover "all impervious areas. No credit is given to existing impervious areas."
- Demonstrate that the development drains through the detention tank(s) through pipe flows and surface flow path routes up to the 100 year ARI storm events in accordance with the minor/major design principles.
- Minimum of two (2) sections / elevations showing the OSD structure including the trash rack, step irons if deeper than 1.2m and orifice plates. The sections shall include surface and design RLs for the tank orifice plate, outlet pipe and at the point of connection to Council's system. The design plans need to demonstrate that the detention storage and outlet are above the HGL at the point of connection to the Oakville Road stormwater drainage system.
- Details of an overflow spillway from the OSD storage with an overland flow path directed to Oakville Road with calculations demonstrating that the overflow elements can cope with the 100 year ARI storm event in accordance with Council's policy.
- Council may consider offsetting up to 50% of the OSD storage capacity with rainwater retention re-use system. In this regard, a Total Water Management Plan including a detailed water balance analysis shall be submitted to Council for further assessment. The rainwater retention and reuse system shall be designed with a minimum of 90% reliability. To maximise reuse of rainwater, the retention re-use system must be

treated and connected to non-potable use such as but not limited to toilet flushing, laundry, garden irrigation, etc.

- Submit Design Certificates and Council's QA checklists issued by a practising qualified Design Engineer certifying that all required design for the OSD and any rainwater retention systems have been carried out in accordance with Council policies and specifications.

B. Stormwater Drainage System In Oakville Road

- Submit details including reduced levels for the surface and design levels and a longitudinal section for the proposed reinforced concrete pipe (RCP) system in Oakville Road extending to the proposed point of connection to the existing Council system in Oakville road. Location and depth of existing services in the vicinity of the proposed pipe system shall be included in the submitted plans.
- Submit Design Certificates and Council's QA checklists issued by a practising qualified Design Engineer certifying that all required designs have been carried out in accordance with Council policies and specifications.

SCHEDULE 2

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural – Site Plan	DA010	E	3/11/2017	
Architectural – Area Calculation	DA014	D	07.07.17	Conrad Gargett Ancher Mortlock Woolley
Architectural – Demolition	DA020	D		
Architectural – Level Ground East	DA101	D		
Architectural – Level Ground West	DA102	D		
Architectural – Level One East	DA103	D		
Architectural – Level Two East	DA104	D		
Architectural – Roof East	DA105	D		
Architectural – Elevations South & North	DA200	C		
Architectural – Elevations West & East	DA201	C		
Architectural – Sections	DA210	C		
Schedule of Colours & Materials	DA300	E	3/11/2017	
Landscape Details – Sh 1	DA501	A	03/07/2017	
Landscape Details – Sh 2	DA502			
Landscape – Planting Schedule	DA004			
Landscape – Legend & Finishes Schedule	DA003			

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are “Exempt Development” as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

2. Section 94A Contributions

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

3. Overhead Powerline

There are existing overhead electricity network assets in Penshurst St, Oakville St, Keary St.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead

Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au.

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(Reason: Comply with Ausgrid requirements)

4. Underground Cabin

There are existing underground electricity network assets in Keary St, the unformed portion of Eaton St and also within the subject property.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(Reason: Comply with Ausgrid requirements)

5. Substation

There are existing electricity substation assets at within the subject property. It is noted the developer is proposing to relocate the kiosk substation currently on the site. The developer is to contact Ausgrid's contestability section via contestability@ausgrid.com.au to make suitable arrangements to have the substation relocated prior to doing any works which could impact on the existing substation. If the substation is to be relocated prior to the removal of the demountable classrooms then the proximity of the classrooms to the new substation must be considered.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
(Reason: Comply with Ausgrid requirements)

6. Additional Details and/or Information for Construction Certificate

Prior to the issue of the Construction Certificate, any requirements outlined by conditions of this consent requiring changes to be noted on plans and/or information to be submitted including compliance with the National Construction Code are to be incorporated within the Construction Certificate plans and/or documentation.
(Reason: Ensure compliance)

7. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.
(Reason: Ensure compliance)

8. Heritage - Photographic Survey

Prior to the issue of the Construction Certificate, a photographic survey is to be lodged with Willoughby City Council for its historical archives. The photographic survey is to be submitted in a report format, and shall include:

- a) A front cover marked with:
 - the name/location of the property;
 - the date of the survey;
 - the name of the company or persons responsible for the survey.
- b) A layout plan of the existing building and site; identifying rooms and features shown in the photographs.
- c) Photographs of the interior, exterior, grounds and a streetscape view of the building, labelled to indicate their location in relation to the layout plan. Photographic records of each elevation and each room and any architectural/decorative features or finishes are to be included. Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

Documentary evidence from the applicant confirming lodgement is to be provided to the Accredited Certifier.

(Reason: Heritage conservation)

9. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement, and is to be provided to the Accredited Certifier.

(Reason: Visual amenity)

10. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$155,000** (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$160** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

11. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Oakville via a reinforced concrete pipe (RCP) in accordance with Council's specifications. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the proposed drainage system in Oakville Road and Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Prevent nuisance flooding)

12. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Principal Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. The roof drainage system and drainage system from the development conveying runoff to the OSD facility shall be designed to cater for the 100 year ARI storm events. A spillway from the OSD tank shall discharge into a 900mm x 900mm drainage pit located within the property. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure compliance)

13. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- a) Construction of the proposed reinforced concrete storm water pipe system in Oakville Road (minimum size 375mm) with longitudinal section, HGL analysis and details suitable for construction to Willoughby City Council's Specification.
- a) Reconstruction of existing kerb and gutter in Oakville Road associated with the stormwater pipe system construction, in accordance with Council's specifications and Standard Drawing SD105. Detailed longitudinal and cross sections at 5 metre intervals shall be provided.
- b) Reconstruction of road pavement in Oakville Road associated with the proposed stormwater pipe construction in accordance with Council's specifications (AUS-SPEC). The applicant shall contact Council for standard design traffic for this pavement. Detailed longitudinal and cross sections at 5 metre intervals shall be provided.
- c) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) and perambulator ramp for the frontage of the development site adjacent to the proposed development in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- d) Re-construction of vehicular crossing in Oakville Road in accordance with Council's specification and Standard Drawings SD105.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.
(Reason: Ensure compliance)

14. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit. Details demonstrating compliance are to be submitted with the construction certificate application.
(Reason: Pedestrian safety)

15. Amended plans for retention of tree 38

- i) Prior to the issue of a Construction Certificate, plans are to be amended to enable retention of Tree 38 (as identified in the Arboricultural Impact Assessment report dated 29 June 2017 prepared by Priority Tree Services). Tree 38 is a *Syncarpia glomulifera* (Turpentine) located in the new Playground/Outdoor Learning area to the south of the Main Library.
- ii) In order to reduce impacts on tree roots, the concrete tiered seating indicated on the plans to the north and west of the tree are to be deleted, enabling the retaining walls of the Playground/Outdoor Learning area to be relocated to the northern and western edges of the walkway, formerly occupied by the seating walls.
- iii) The relocated retaining wall is to extend a minimum of 25 metres along the northern edge and a minimum of 18 metres along the western edge as

- measured from the intersecting corner of the concrete tiered seating shown on the plans.
- iv) All excavation and construction works within the Tree Protection Zone of Tree 38 are to be supervised by the Project Arborist.

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

16. Waste Management Plan

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to the Certifying Authority prior to commencement of work.

(Reason: Environment protection/waste reduction)

17. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifying Authority prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifying Authority must be immediately informed.

(Reason: Information)

18. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority prior to commencement of work. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the

approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request.
(Reason: Environment protection, public health and safety)

19. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of work.

(Reason: Protection of Council's infrastructure)

20. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which

may include special conditions.

- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

21. Application for Vehicle crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

22. Project Arborist

- i) A Project Arborist is to be appointed prior to commencement of works on site
- ii) The Project Arborist is to have a minimum qualification AQF Level 5
- iii) The Project Arborist is to oversee and authorise all tree protection works detailed in the Arboricultural Impact Assessment Report dated 29 June 2017 prepared by Priority tree Services and relevant conditions of consent
- iv) The Project Arborist is to certify
 - a) that all tree protection measures have been installed prior to commencement of works and
 - b) that all tree protection measures and remediation works have been complied with prior to issue an Occupation Certificate

(Reason: Safety, environmental protection, landscape amenity)

23. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

24. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be

minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This S96 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

25. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

26. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

27. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

28. Suitable Screens

Suitable screens and/or barricades shall be erected during demolition and building work and where required by the Certifying Authority to reduce the emission of noise, dust, water effluent or other matter from the site.

(Reason: Maintain amenity to adjoining properties)

29. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

30. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

31. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

32. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

33. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

34. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER

ASBESTOS REMOVAL IN PROGRESS” is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

35. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

36. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public health and safety/Ensure compliance)

37. Asbestos Disposal

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

38. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- b) At each level indicating the level of that floor to Australian Height Datum;
- c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- d) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

39. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

40. No Storage on Foot/Roadway

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

41. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

42. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

43. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

44. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

45. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

46. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

47. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

48. Tree Trunk, Branch and Root Protection

- i) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans, including Trees Nos 38 and 47 as identified in the Arboricultural Impact Assessment Report dated 29 June 2017 prepared by Priority Tree Services, unless exempt under relevant planning instruments or legislation.
- ii) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- iii) Tree protection measures must comply with the Arboricultural Impact Assessment Report dated 29 June 2017 prepared by Priority Tree Services and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- iv) Tree protection measures in accordance with iii) above are to be certified by the Project Arborist prior to commencement of works.
- v) Tree roots greater than 50mm diameter are not to be removed unless approved by The Project Arborist on site.
- vi) All structures are to bridge over or tunnel bore under roots unless directed otherwise by The Project Arborist on site.

(Reason: Tree management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

49. Shared Zone

A shared zone shall be implemented in Medway Lane between Oakville Road and the end of the lane (at the entry and exit driveway to the school grounds) to maximise safety of school related people using the lane.

(Reason: Road Safety)

50. Pedestrian Footpath

A pedestrian footpath widening shall be implemented with either a barrier or seat in Oakville Road, south side, west of Medway Lane to support increased separation between pedestrians and vehicles egressing Medway Lane (Council has developed a concept design of these measures).

(Reason: Road Safety)

51. Transport Management Access Plan

An on-going maintenance of a *Transport Management Access Plan* shall be implemented to support the safe and efficient operation of traffic and transport including parking, pedestrians, cyclists, cars and buses that are used by patrons of the schools and all its related traffic and transport infrastructure and services.

(Reason: Traffic and transport access, efficiency and amenity and road safety).

52. Surface Water Runoff

Surface water runoff from paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifying Authority.

(Reason: Health and amenity)

53. Roof Stormwater Disposal

Prior to the issue of any Occupation Certificate, the roof stormwater shall be disposed of to:

- a) Council's kerb and gutter

(Reason: Health and amenity)

54. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

55. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of the Final Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

56. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline in Oakville Road after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.

- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.
(Reason: Ensure compliance and protection of public asset)

57. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved On Site Detention - OSD system in accordance with Council's DCP and Technical Standards, Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

58. Sign for OSD System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD system.

The wording for the plaque shall state *"This is the On-Site Detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.
(Reason: Prevent unlawful alteration)

59. Certification of OSD

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.
(Reason: Legal requirement)

60. Works-As-Executed Plans - OSD

Upon completion of the OSD System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

61. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built OSD system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSD system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

62. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

63. Certification – Structures / Excavations near Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

Certification is to be provided to the Certifying Authority, and a copy provided to Council, prior to issue of any Occupation Certificate.

(Reason: Protection of public asset)

64. Splay Corner for Fence

Prior to the issue of any Occupation Certificate and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be constructed with a minimum clear splay of 2m x 2.5m on both sides of the driveway exit.

(Reason: Pedestrian safety)

65. Construction of Kerb & Gutter and Reconstruct Pavement

Reconstruct kerb and gutter and road pavement in Oakville Road associated with the stormwater pipe system construction, in accordance with plans approved under the Roads Act and Council's specifications.

(Reason: Public amenity)

66. Concrete Footpath

Construct / reconstruct_1.5 metres wide footpath (max. 2.5% crossfall) and perambulator ramp for the frontage adjacent to the proposed development in accordance with plans approved under the Roads Act and Council's specifications.

(Reason: Public amenity)

67. Vehicular Crossing

Construct new vehicular crossing including the replacement of the existing layback and/or gutter in accordance with approved plans and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing shall be of width as required in AS 2890.1 and 2890.2 and shall be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from the existing street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the internal driveway.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.

(Reason: Public amenity)

68. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

69. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

70. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$80,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

71. Public Tree Maintenance

Prior to the issue of any Occupation Certificate, the Project Arborist is to certify that:

- i All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".

(Reason: Tree management, public asset management)

72. Completion of Landscape Works

Prior to the issue of any Occupation Certificate, the approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.
(Reason: Landscape amenity)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

73. Retaining Walls and Drainage

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) adequate provision must be made for drainage.

(Reason: Safety)

74. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

75. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

76. Heritage – Maintain Portion of Existing Building

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

(Reason: Heritage conservation and Ensure compliance)

77. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

78. Underground Utility Services

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

79. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

80. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

81. Waste Materials

No waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

82. Refuse Collection Point

A suitable refuse collection point, adjacent to the garbage room(s), must be provided within the building envelope. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time. All garbage receptacles must be returned to the garbage storage area within the property after the bins are serviced.

(Reason: Health and amenity)

83. Removal of Trade Waste

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

84. Garbage Bin Cleaning

Garbage bins must be regularly cleaned (every 3 – 6 months) and maintained in good order.

(Reason: Health and Amenity)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

85. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

86. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

87. Construction Certificate Required

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

88. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

89. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

